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Department of Energy

ROCKY FLATS OFFICE
P.O. BOX 928
GOLDEN, COLORADO 80402-0928

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ES&G
ROCKY FLATS PLANT
CORRESPONDENCE CONTROL

ACTION

DIST.	LTR	ENC
BENJAMIN, A.		
BRETZKE, J.C.		
BURLINGAME, A.H.		
COPP, R.D.		
CROUCHER, D.W.		
DAVIS, J.G.		
EVERED, J.E.	X	
FERRERA, D.W.		
FERRIS, L.R.		
FRAIKOR, F.J.		
FRANCIS, G.E.		
GOODWIN, R.		
HANNI, B.J.		
HEALY, T.J.		
IDEKER, E.H.		
JENS, J.P.		
KERSH, J.M.	X	
KIRBY, W.A.		
KRIEG, D.		
KUESTER, A.W.		
LEE, E.M.		
MAJESTIC, J.R.		
MARX, G.E.		
MATHEWS, T.A.		
MEURRENS, B.E.		
MORGAN, R.V.		
PIZZUTO, V.M.		
POTTER, G.L.		
SAFFELL, B.F.		
SANDLIN, N.B.		
SWANSON, E.R.		
WIEBE, J.S.		
WILKINSON, R.B.		
WILSON, J.M.		
YOUNG, E.R.		
ZANE, J.O.		

Mr. Martin Hestmark
J.S. Environmental Protection Agency, Region VIII
ATTN: Rocky Flats Project Manager, 8HWM-RI
199 18th Street, Suite 500, 8WM-C
Denver, Colorado 80202-2405

91-DOE-7442

Mr. Gary Baughman
Hazardous Waste Facilities Unit Leader
Colorado Department of Health
1210 East 11th Avenue
Denver, Colorado 80220

Gentlemen:

This letter is in response to a letter dated August 30, 1991, from Martin Hestmark, U.S. Environmental Protection Agency (EPA), Region 8, to Frazer Lockhart, U.S. Department of Energy (DOE), Rocky Flats Office (RFO), regarding ecology Standard Operating Procedures (SOPs).

In response to EPA's comment on threatened, endangered and other special status species at the Rocky Flats Plant (RFP), we will be adding criteria on threatened and endangered species to the ecology SOPs in the format of a separate SOP. Note that the format of this SOP was generated with input from the Colorado State Office of the U.S. Fish and Wildlife Service (FWS). The SOP will contain the following three elements:

- 1) A list of threatened, endangered and other special status species of concern at or near the RFP. Note that this list will be prepared resulting from consultation with the FWS, the Colorado Division of Wildlife and other experts along with results from habitat surveys completed at the RFP. Also note that this list will be updated as necessary.
- 2) Identifying descriptions for the species listed in item one above.
- 3) Notification requirements for both the FWS and the Colorado Division of Wildlife.

This SOP will be used by field personnel performing Environmental Evaluations at the RFP under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA) and the Interagency Agreement (IAG) signed January 22, 1991. Note that compliance with the Endangered Species Act is a DOE/RFO concern for all activities conducted at the RFP. This is also true for the Migratory Bird Treaty Act and the Fish and Wildlife Coordination Act.

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TRAFFIC

Reviewed for Addressee
Corres. Control RFP

9-10-91 Ci

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DOCUMENT CLASSIFICATION
REVIEW W/AVR PER
CLASSIFICATION OFFICE

Mr. Hestmark
Mr. Baughman

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We will provide you with a draft version of the endangered and threatened species SOP by October 15, 1991. In addition, written responses to your general comments will be provided to you no later than October 15, 1991. Modifications to the SOPs associated with your general comments will be made during the next ecology SOPs revision.

With regard to the assessment of stipulated penalties resulting from our prior response (July 7, 1991) to EPA's March 29, 1991, comment on threatened, endangered and other special status species, it is our position that the IAG does not support this. Note that it is also our position that our response was neither incomplete nor inadequate. Inspection of Attachment 2, Section I.B.4., page four, paragraph four of the IAG indicates that incomplete or inadequate response to EPA written documents by DOE will result in EPA providing written notification to DOE. It further states that for final primary documents, dispute resolution may be invoked.

For your information, please find enclosed a report entitled "Threatened and Endangered Species Evaluation, Rocky Flats Plant Site". This report was prepared by the National Environmental Policy Act (NEPA) Division, Environmental Management Department, EG&G Rocky Flats, Inc. and is dated April 4, 1991. Inspection of this document should indicate that DOE/RFO is indeed committed to compliance with the Endangered Species Act.

Should you have any questions or concerns, contact Bruce Thatcher of my staff at 966-3532.

Sincerely,



David P. Simonson
Assistant Manager
for Environmental Management

Enclosure

cc w/Enclosure:

T. Jackson, USFWS
D. Weber, Colo. Div. Wildlife

cc w/o Enclosure:

F. Lockhart, DOE/RFO
R. Schassburger, DOE/RFO
B. Thatcher, DOE/RFO
J. Evered, EG&G/RF
L. Woods, EG&G/RF